

Message Text

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TO AMEMBASSY SAN JOSE

INFO AMCONSUL RIO DE JANEIRO

AMEMBASSY BRASILIA

LIMITED OFFICIAL USE STATE 175464

FOR GANTZ USDEL

FOLLOWING REPEAT RIO DE JANEIRO 2342 SENT SECSTATE INFO
BRASILIA DATED JULY 23.

QUOTE

LIMITED OFFICIAL USE RIO DE JANEIRO 2342

FROM RUBIN FOR L/ARA

E.O. 11652: N/A

TAGS: PFOR, IAJC, OAS, XM

SUBJECT: INTER-AMERICAN JURIDICAL COMMITTEE

1. MEETINGS IAJC PROCEEDING NORMALLY WITH TRANSNATIONAL
CORPORATIONS (TNCS) AT HEAD OF AGENDA. DISCUSSION OF JULY 22
CONCERNED PAPER SUBMITTED BY MEXICAN MEMBER, BUT WENT ON TO
CONSIDER IMPACT OF OAS PERMANENT COUNCIL RESOLUTION OF
JULY 10 CONCERNING CONDUCT OF TRANSNATIONAL ENTERPRISES.

2. FOLLOWING POINTS OF INTEREST: A) SEVERAL MEMBERS OF
JURIDICAL COMMITTEE EXPRESSED MINGLED DISTRESS AND BEWILD-
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DERMENT AT CREATION BY OAS PERMANENT COUNCIL OF NEW GROUP
OF EXPERTS TO DRAFT CODE OF CONDUCT, SINCE JURIDICAL COM-
MITTEE CONSIDERS THAT TO BE PART OF ITS PRESENT STUDY OF
MULTINATIONAL COMMERCIAL ENTERPRISES. SECRETARIAT OF

OAS (ZANOTTI) EXPLAINED THAT SUBJECT IS CONSIDERED IN COUNCIL TO HAVE NONLEGAL IMPLICATIONS, BUT JURIDICAL COMMITTEE WILL PROBABLY HAVE INFORMAL SESSION LATER TO DISCUSS WHAT ITS RELATION IS OR SHOULD BE TO THIS NEW EFFORT; B) RUIZ ELDRIDGE (PERU) EXPRESSED SATISFACTION THAT FOR FIRST TIME, AS HE SAW IT, UNITED

STATES HAD CONCURRED IN A RESOLUTION (UNDER PARA. BEGINNING WITH "DECLARES") STATING UNEQUIVOCALLY THAT TRANSNATIONALS WERE SUBJECT TO LOCAL LAW AND LOCAL COURTS. VARGAS CARRENO (CHILE) SAID HE THOUGHT THIS MEANT ONLY THAT LOCAL REMEDIES HAD TO BE EXHAUSTED, AND NO REPEAT NO CHANGE IN TRADITIONAL US POSITION. I STATED THAT ALTHOUGH NOT REPEAT NOT AUTHORIZED TO SPEAK FOR USG IN THIS FORUM I FELT THAT USG ADHERED TO TRADITIONAL POSITION THAT INTERNATIONAL LAW WAS APPLICABLE, AND THAT THIS POSITION WAS SO CLEAR AND HAD BEEN SO OFTEN REITERATED THAT IT DID NOT NEED TO BE RESTATED EVERY TIME APPLICABILITY OF NATIONAL LAW WAS MENTIONED; C) JURIDICAL COMMITTEE HOPES ARRIVE AT SOME CLEARER STATEMENT ITS OBJECTIVES IN CURRENT STUDY OF MULTINATIONALS PRIOR CONCLUSION THIS SESSION

ONGM OTHER ASPECTS AGENDA PROBABLY LARGELY NONCONTROVERSIAL, EXCEPT POSSIBLY FURTHER ELABORATION PREVIOUS WORK ON "CASES OF VIOLATION OF PRINCIPLE OF NONINTERVENTION" WHERE FURTHER WORK NOT REPEAT NOT CLEARLY OUTLINED.

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